

REMARKS

Applicants note that all amendments, cancellations, and additions of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

In the Final Office Action mailed June 21, 2010, the Examiner indicated that the application was not in compliance with the sequence rules because the specification lacks sequence identifiers. The applicants have amended the specification to include the sequence identifiers. Applicants provide herewith a substitute sequence listing. Applicants would like to bring to the Examiner's attention that Replacement Sheets including the sequence identifiers were previously submitted in response to an Office Action filed June 5, 2009. As such, applicants submit that the application is in compliance with 37 C.F.R. 1.821-1.825.

In the Final Office Action mailed June 21, 2010, the Examiner objected to Claims 2 and 7 as containing informalities. The Applicants have amended Claims 2 and 7 to remove the informalities. As such, the Applicants respectfully request that the objection be withdrawn.

In the Final Office Action mailed June 21, 2010, the Examiner issued several rejections. Each of the rejections is discussed in detail below.

I. Interview Summary

On September 20, 2010, Applicants representative Tanya A. Arenson and Examiner Ogunbiyi conducted a telephone interview. During the interview, the rejections under 35 U.S.C. 112 and 102 were discussed. The addition of method of use claims to the application was also discussed.

II. The Claims are Definite

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

The Examiner rejects claims 1-7 under 35 U.S.C. 112, second paragraph as allegedly being indefinite. In particular, the Examiner states that the claims are indefinite because “it is not clear what structure is at a 5’ terminal and a 3’ terminal end, and of what.” (Office Action, pg. 5). The Applicants respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner’s arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO’s Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended Claim 2 to remove the phrase “5’ terminal and a 3’ terminal end.” As such, the Applicants submit that the claims are clear and respectfully request that the rejection be withdrawn.

III. The Claims are Novel

The Examiner rejects Claim 10 under 35 U.S.C. 102(b) as allegedly anticipated by Wang et al. (US 20040029129; hereinafter Wang). The Applicants respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner’s arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO’s Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have canceled Claim 10. As such, the rejection is moot.

Applicants have added new Claims 11-12 directed to methods of using the compositions described in Claims 1-9. Support for these claims can be found, for example, in Examples 7 and 8 of the specification. As Examiner has indicated the Claims 1-9 are free of the prior art (and Claims 1 and 8 allowable), applicants respectfully request rejoinder of Claims 11-12.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (608) 662-1277.

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